

Notice of Allowability

Application No.

09/310,294

Examiner

Taghi T. Arani

Applicant(s)

SCHMEIDLER ET AL.

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/29/2005.
2. ☒ The allowed claim(s) is/are 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/29/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Examiner's Statement of Reasons for Allowance

1. Claims 1-39 are allowed over prior art of record.

The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.

2. As per independent claims 1,6 and 11, closest prior art of record to Auerbach is directed to a method and apparatus to create, distribute, sell and control access to digital contents using secure cryptographic envelope, see abstract.

Auerbach discloses steps of a cryptographic envelope process where the main entities involved in the process are the Document Server (i.e. a content server), the Buy Server (i.e. an access server), col. 2, lines 42-49.

Auerbach 's creation of a cryptographic envelope of digital content is done off-line by the document provider and can be distributed or stored on any servers without any security requirement on the server, col.3, lines 44-48, see also col. 6, lines 40-42.

Auerbach 's cryptographic envelope comprises of two types: document and control parts. Document parts are the "contents" and control parts the metadata needed to support the functions such as authentication and confidentiality of a cryptographic envelope, col. 4, lines 3-5 and lines 25-35, see also Fig. 2, reference numbers 201-211 for elements of a cryptographic envelope.

Auerbach further teaches that the digital contents through cryptographic envelopes are distributed by any means including over the Internet, see col. 6, lines 30-42. That is, The Document Server (DS), the Buy Server (BS) and the client process (UPC) are coupled to a network.

Auerbach further teaches that a user (i.e. a client coupled to the network) interested in the cryptographic envelope content, browses the plain text portion of the envelope (i.e. a “teaser”) and would have to buy (or obtain) the necessary PEKs (i.e. content encryption keys necessary to obtain the digital content(s)) from the buy server (i.e. an access server) prior to obtaining the digital content from the content server, col. 6, lines 43-48, see also Fig 1.

However, Auerbach fails to teach requiring a client process operatively coupled to the to obtain an identifier of the title from the access server prior to retrieving at least a portion of the title from the content server. That is, Auerbach teaches that any form of digital content once packaged in a cryptolope can be distributed. Thus, Auerbach does not teach, or suggest a document server being coupled to a network. For this reason, there is no need in Auerbach's system for obtaining the location identifier of the content.

However, Downs (prior art of record) discloses a Secure Digital content Electronic Distribution which includes Content Provider, Electronic Digital Content Store, Intermediate Market partners, Clearinghouse, Content Hosting Site, Transaction Infrastructure, and End-User Device, col. 8, lines 54-67. Secure Digital content Electronic Distribution enables the secure delivery of high-quality, electronic copies of content to End-User Device and to regulate and track usage of the content, see col. 12, lines 7-11.

Downs further teaches that licensing authorization and control are implemented through the use of a Clearinghouse(s) entity and Secure Container (SC) technology. The Clearinghouse(s) provides licensing authorization by enabling intermediate or End-

User(s) to unlock content after verification of a successful completion of a licensing transaction. Secure Containers (SC) are used to distribute encrypted content and information among the system components, col. 7, lines 12-18.

Downs further discloses metadata secure containers that are built by content provider and includes an external URL (Uniform Resource Locators or location identifier) to point to the content, 26, lines 41-42. That is, Downs discloses a system in which metadata containers can be created to point to actual secure content using an external URI. Applicant's claimed invention requires a client to obtain the identifier from an access server prior to retrieving the content from a content server limiting the distribution of content by using an identifier being provided by an access server.

3. As per claim 33, closest prior art of record to Vinson et al. teach extracting registry information about a content title (col. 3, lines 19-39, creating an index containing information about all the registry changes), the registry information corresponding to one or more selected data files of the content title (the index containing information about all the registry changes, files and directories created by the installation of the target program (i.e. data files of a content title)), storing the registry information in a registry entry file (col. 4, lines 56-57).

Prior art of record fails to disclose encrypting the registry entry file and at least a portion of the corresponding data files of the content title, and
storing the encrypted files in a file package at a location on a network file system.

None of the prior art of record, either taken by itself or in any combination, would have anticipated or made obvious the invention of the present application at or before the time it was filed (with priority of 11/16/1998).

Dependent claims 2-5, 7-10, 12-31, 34-39 are also allowed by virtue of their dependencies.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Prior arts made of record, not relied upon:

US Patent 6,389,596 to Wiser et al.

US Patent No. 5,765,152 to Erickson

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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